

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

**TIME SCHEDULE ORDER NO. R7-2019-0029
ISSUED TO
SEELEY COUNTY WATER DISTRICT WASTEWATER TREATMENT PLANT
SEELEY - IMPERIAL COUNTY**

The Assistant Executive Officer of the California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board or Regional Water Board) finds the following:

1. The Seeley County Water District (Discharger) owns and operates the Seeley County Water District Wastewater Treatment Plant, a municipal wastewater treatment plant located at 1898 West Main Street, Seeley, CA 92273, in Imperial County (Facility). The treatment system consists of a lift station, a drum screen, a bar screen, a “Clemson” aerated pond treatment system with surface aerators, pre-disinfection filtration via pressure sand filters, and an ultraviolet (UV) disinfection system. The Facility’s “Clemson” system consists of five aerated ponds operated in series.
2. The Facility provides domestic sewerage services to a population of approximately 2,100 located in the town of Seeley, which is located in the Imperial Valley. The wastewater treatment plant (WWTP) has a treatment capacity of 0.25 million gallons-per-day (MGD). Effluent from the WWTP is discharged from Discharge Point 001 to the New River, a water of the United States, via an unnamed tributary.
3. On November 9, 2017, the Colorado River Basin Water Board adopted Waste Discharge Requirements (WDRs) Order R7-2017-0016 (2017 WDRs) to regulate discharges of treated wastewater from the Facility. The 2017 WDRs includes Final Effluent Limitations IV.A.1.a. for Discharge Point No. 001, which reads, in part, as follows:

Table 4. Effluent Limitations

Parameter	Effluent Limitations		
	Unit	Average Monthly	Maximum Daily
Copper, Total Recoverable	µg/L	25	50
	lbs/day*	0.052	0.104

* The mass-based effluent limitations are based on a design capacity of 0.25 MGD.

The effluent limitations for copper in the 2017 WDRs are new requirements for the discharge that were not imposed in earlier WDRs.

4. On December 11, 2017, the Colorado River Basin Water Board’s Assistant Executive Officer issued Administrative Civil Liability Complaint R7-2017-0040 (ACLC) to the Discharger, alleging violations of effluent limitations and monitoring and reporting requirements in WDRs that previously regulated wastewater discharges from the Facility, Orders R7-2007-0036 and R7-2012-0011, from January 1, 2012 through March 31, 2017.
5. The Discharger and the Colorado River Basin Water Board Prosecution Staff entered into a tentative settlement to resolve the violations alleged in the ACLC as well as additional effluent limit violations of Orders R7-2012-0011 and R7-2017-0016 that

occurred from April 1, 2017 through July 31, 2018. Between April 1, 2017 and July 31, 2018, the Discharger exceeded the effluent limitations for total copper 16 times.

6. On September 26, 2018, the Discharger proposed a Compliance Project consisting of investigating and identifying the source(s) of copper violations, eliminating and/or controlling the source(s) of copper violations, and improving a dump station to include better solids screening, monitoring, and the addition of an aerated holding tank or modifying an existing pond to control flows into the treatment plant with the intent of controlling any copper present in the dump station wastes.
7. On October 29, 2018, the Discharger and the Colorado River Basin Water Board Prosecution Staff signed a proposed Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order in the matter of Seeley County Water District for alleged violations of effluent limitations and monitoring and reporting requirements for the Board Orders R7-2007-0036, R7-2012-0011, and R7-2017-0016 (Stipulated Order).
8. On January 10, 2019, the Colorado River Basin Water Board delegated to the Executive Officer the authority to issue the Stipulated Order.
9. On January 17, 2019, the Discharger proposed a revised Compliance Project to further improve controlling copper present in the dump station wastes.
10. On February 28, 2019, under delegated authority, the Executive Officer issued the Stipulated Order, which includes the Compliance Project.
11. Based on the findings described above, a discharge of waste is taking place, or threatening to take place, in violation of WDRs prescribed by the Regional Water Board.
12. Water Code section 13385, subdivisions (h) and (i), requires the Colorado River Basin Water Board to impose MMPs upon dischargers that violate certain effluent limitations and reporting requirements. Water Code section 13385(j)(3) provides an exemption from MMPs if certain requirements are met.
13. In accordance with Water Code section 13385(j)(3)(A), this time schedule order (TSO) is issued after July 1, 2000, pursuant to Water Code section 13300 and specifies the actions the discharger is required to take to correct the violations that would otherwise be subject to MMPs.
14. In accordance with Water Code section 13385(j)(3)(B)(i), the Discharger is unable to consistently comply with one or more effluent limitations established in the WDRs applicable to the discharge because the copper effluent limitations in the 2017 WDRs are new effluent limitations applicable to the waste discharge after the effective date of the WDRs and after July 1, 2000, and the Discharger cannot design, install, and put into operation the new or modified control measures within 30 calendar days. The proposed time schedule is needed to complete designs, award bids, and begin construction of upgrades.
15. In accordance with Water Code section 13385(j)(3)(C), this TSO establishes a time schedule of no more than five years for bringing the waste discharge into compliance with the effluent limitation. The time schedule is as short as possible, taking into account the technological, operational and economic factors that affect the design, development,

and implementation of the control measure that are necessary to comply with the effluent limitations.

16. In accordance with Water Code section 13385(j)(3)(D), the Regional Water Board requires the Discharger to prepare a pollution prevention plan under section 13263.3 in a timely and properly manner. A pollution prevention plan is necessary for copper in order to effectively reduce the effluent concentrations by source control measures.
17. Because the time schedule to complete the actions in this TSO exceeds one (1) year, this TSO includes interim effluent limitations and interim requirements and dates for their achievement. The following interim average monthly and average daily effluent limitations for copper are based on plant performance data, reference data from representative wastewater treatment facilities, and best professional judgment:

Parameter	Interim Effluent Limitations		
	Unit	Average Monthly	Maximum Daily
Copper, Total Recoverable	µg/L	100	100
	lbs/day*	0.208	0.208

* The mass-based effluent limitations are based on a design capacity of 0.25 MGD.

18. If an interim effluent limit contained in this TSO is exceeded, then the Discharger is subject to MMPs for that particular exceedance as it will no longer meet the exemption in Water Code section 13385(j)(3).
19. Water Code section 13300 states the following:

“Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.”
20. Water Code section 13267(b) states the following:

“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its

region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person

with a written explanation with regard to the need for the reports and shall identify the evidence that supports requiring that person to provide the reports.”

21. The Discharger owns and operates the Facility. The technical reports, including workplans, required by this TSO are necessary to determine compliance with Order No. R7-2017-0016 and with this TSO.
22. In Resolution No. 70-15, the Colorado River Basin Regional Water Board delegated to the Executive Officer all of the powers and duties of the Regional Water Board under Division 7 of the California Water Code except those specified in Water Code section 13223(a), and the Regional Water Board further clarified the scope of the delegation in Resolution No. R7-2017-0032. The Regional Water Board’s delegation to the Executive Officer includes the authority to issue time schedule orders.
23. On September 16, 2018, the Executive Officer delegated to the Assistant Executive Officer the authority to act in the Executive Officer’s stead in all adjudicatory enforcement proceedings where there is a separation of functions and the Executive Officer is acting as the advisor to the Regional Water Board. This Order sets a time schedule to complete milestones in the revised Compliance Project addressed in the Stipulated Order. The Stipulated Order is an adjudicatory enforcement proceeding where there is a separation of functions and the Executive Officer is acting as the advisor to the Regional Water Board.
24. A 30-day comment period has been provided and all pertinent comments have been addressed.
25. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15321, Article 19, Division 3, Title 14, California Code of Regulations. This action to enforce compliance with an NPDES permit is also exempt from the California Environmental Quality Act pursuant to Water Code section 13389.

IT IS HEREBY ORDERED that pursuant to Water Code sections 13300 and 13267 and to ensure compliance with Order R7-2017-0016:

1. The Discharger shall take specific actions as indicated in the following time schedule in order to achieve compliance with the final effluent limits for copper contained in the 2017 WDRs:

Task	Deadline
Investigate and identify the source(s) of copper violations	02/01/2020
Complete design plan for dump station improvements in the Compliance Project	02/01/2022
Complete Pollution Prevention Plan	08/01/2022

Complete improvements to dump station in the Compliance Project	01/09/2024
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- Quarterly reports are due on February 1, May 1, August 1, and November 1, annually. Quarterly reports shall include a description of work completed and if appropriate, photograph documentation. The first progress report under this TSO shall be received at the Regional Water Board by May 1, 2019 and will cover the months of February through March 2019.
- The following interim effluent limitations for copper shall be effective upon adoption of this TSO and shall apply in lieu of the corresponding effluent limitations in Order R7-2017-0016:

Parameter	Interim Effluent Limitations		
	Unit	Average Monthly	Maximum Daily
Copper, Total Recoverable	µg/L	100	100
	lbs/day	0.208	0.208

- In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of California registered professionals (i.e., civil engineer, engineering geologist, geologist, etc.) competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain workplans, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall contain a statement of qualifications of the responsible licensed professional(s) as well as the professional's signature and/or stamp of the seal.
- If, in the opinion of the Colorado River Basin Water Board's Executive Officer, the Discharger fails to comply with this TSO, the Colorado River Basin Water Board's Executive Officer or delegee may issue a complaint against the Discharger under Article 2.5, Chapter 5, Division 7 of the Water Code, and seek the appropriate administrative civil liability.

Any person aggrieved by this action of the Colorado River Basin Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

This Order is effective upon the date of signature.

Frank Gonzalez, P.E.
Assistant Executive Officer
Colorado River Basin
Regional Water Quality Control Board

Date